

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Alt Platform, Inc.,

Plaintiff,

-against-

Joseph Barucci,

Defendant.

ANALISA TORRES, District Judge:

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23 Civ. 10737 (AT)

ORDER

On April 15, 2024, the Court scheduled a case management conference for September 10, 2024. ECF No. 29 ¶ 15. The parties were required to file a joint status letter not later than one week in advance of the conference. *Id.* ¶ 16. That submission is now overdue. Accordingly, the case management conference is ADJOURNED *sine die*.

Additionally, on June 6, 2024, the Court directed the parties to file a joint status update on mediation by June 25, 2024. ECF No. 33. No submission was received. ECF No. 34. The Court therefore directed the parties to file a joint status update with respect to mediation by July 10, 2024. *Id.* The Court further provided that if the parties had not reached a resolution of this case by July 12, 2024, the parties were to file a proposed revised case management plan by that date. *Id.* Again, the Court received no submissions from the parties. ECF No. 35. On July 15, 2024, the Court advised Plaintiff that failure to comply with court orders may result in dismissal of this action. *Id.* In the same order, the Court set submission deadlines for July 25 and 29, 2024, respectively. *Id.* These deadlines, too, came and went with no submissions from the parties. ECF No. 36. The Court warned the parties, again, on July 30, 2024, in bold font, that “[f]ailure to comply with the Court’s orders shall result in dismissal of this action.” *Id.* Later that day, the parties filed a status report indicating that they were close to reaching a resolution of this case. ECF No. 37. The Court directed the parties to file a status update with respect to settlement negotiations by August 20, 2024. ECF No. 38. On August 21, 2024, Plaintiff informed the Court that Defendant had failed to respond to Plaintiff’s proposed term sheet and proposed status update. ECF No. 39. Accordingly, the Court ordered the parties to file a status update with respect to settlement by September 4, 2024. ECF No. 40. That submission now, also, is overdue.

Accordingly, by **5:00 p.m. on September 11, 2024**, the parties shall file a joint status update with respect to settlement. If Defendant fails to respond to Plaintiff’s communications such that it is impossible for the parties to file a joint status update, Plaintiff shall, by the same deadline, inform the Court of that fact in an individual letter describing in detail Plaintiff’s efforts to communicate with Defendant, including the means by which Plaintiff has sought to communicate with Defendant. The parties are advised that **if the Court receives no submissions by its stated deadline, this matter may be dismissed for failure to prosecute.**

SO ORDERED.

Dated: September 5, 2024
New York, New York



ANALISA TORRES
United States District Judge